IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	09/400,154	Confirmation No.:	3080
Applicant(s):	TAKIGUCHI et al.	Group Art Unit:	2622
		Examiner:	J. P. MISLEH
Filed:	September 21, 1999		
		Customer No.:	27123

For: IMAGE INPUT SYSTEM CONNECTABLE TO AN IMAGE INPUT DEVICE
HAVING A PLURALITY OF OPERATION MODE

REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. 1.193(b)(1), the Applicants submit this reply brief in support of

their appeal, in response to the Examiner's Answer mailed July 31, 2008 (hereinafter "the

Examiner's Answer"). The appeal is from the decision of the Examiner in the Final Office

Action mailed December 14, 2007 (hereinafter "the Final Office Action"), which finally rejected

Applicants' claims 67-72 and 75.

Based on the arguments presented in the Applicants' Appeal Brief of May 5, 2008

(hereinafter "the Appeal Brief") and herein, the Applicants again request that the Board of Patent

Appeals and Interferences order that the final rejection of claims 67-72 and 75 be withdrawn,

that Applicants' claims 67-72 and 75 be confirmed as patentable, and that a certificate be issued

confirming patentability.

So as not to burden the Board by repeating arguments contained in the Appeal Brief, the Applicants incorporate and maintain herein all of the arguments presented in the Appeal Brief by reference. The following remarks, for the most part, are limited to a rebuttal of the issues and inaccuracies raised by the Examiner's Answer.

APPLICANTS' RESPONSE TO THE EXAMINER'S ARGUMENTS

The Applicants argued that Camara does not disclose, teach or suggest the features that, "when said image input device and said computer are disconnected in a state that said image input device and said computer are connected with each other and the software program corresponding to the operation mode of said image input device is operating, it is set in every software whether the software is kept in an operating state or an operation of the software is terminated," as recited in Applicants' claim 67.[1]

In the Response to Argument at page 12, lines 12-14, in the Examiner's Answer, the Examiner acknowledges that "Fukasaka et al. simply do not teach what happens in the software when the image input device and the computer are disconnected and, accordingly, cannot teach that the software continues to operate." Then, the Examiner combines Camara et al. ("Camara") with Fukasaka et al. ("Fukasaka") to supplement the above-noted missing teaching of Fukasaka, and contends at page 12, line 16, to page 13, line 1, as follows:

> More specifically, Camara et al. shows, in figure 1, a camera (28) connected to the computer (22) and software ("image acquisition system") on the computer (22) corresponding to the camera (see figure 6). The Examiner considers figure 6 to be a representation of the software corresponding to the imaging device. Furthermore, Camara et al. state, "the image acquisition system is described as being integrated into an operating system that supports a graphical user interface windowing

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[1] See, for example, the Appeal Brief at page 17, lines 3-9.

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environment" (see column 4, lines 21-24). Therefore, the "image acquisition system", as shown in the figures, is the software program or application corresponding to the imaging device. . . .

In this regard, the Applicants respectfully submit that the above-noted "image acquisition system" described in Camara is not the software corresponding to the operation mode of the image input device, as recited in Applicants' claim 67. With respect to the image acquisition system (20) shown in Fig. 1 of Camara, Camara merely describes that the image acquisition system (20) has a computer (22) coupled to multiple imaging devices (24, 26, 28, 30) and that the computer (22) is a general-purpose computing device.

In contrast, claim 67 recites that an image input device has a plurality of operation modes and a computer having a plurality software programs each corresponding to each of the plurality of operation modes of the image input device. Thus, the software recited in claim 67, which is required to correspond to one of the plurality of operation modes of the image input device is distinguishable from Camara's image acquisition system (20) in Fig. 1, which is merely coupled to multiple imaging devices (24, 26, 28, 30).

Further, as to the Examiner's contention that Fig. 6 is a representation of the software corresponding to the imaging device, the Applicants respectfully submit that the "My Camera" window (150) is not the software which corresponds to an operation mode of the image input device and in which it is set whether the software is kept in an operating state or an operation of the software is terminated, when the image input device and the computer are disconnected in a state that the image input device and the computer are connected with each other and the software program corresponding to the operation mode of the image input device is operating, as recited in Applicants' claim 67.

In this regard, Camara merely describes that "FIG. 6 shows a 'My Camera' window 150 that is presented upon selection of the 'My Camera' icon 116 in Fig. 4."[2] Accordingly, what Fig. 6 shows is that the software, which corresponds to "My Camera" window (150), is activated merely because the "My Camera" icon (116) was indicated as available in the "Imaging Devices" window (110) in Fig. 4 and selected by the user to open the "My Camera" window (150). However, Camara does not teach or suggest whether the "My Camera" icon (160) and any software, which corresponds to that icon and/or the imaging device "My Camera," could be activated or kept in an operating state when the icon is indicated as not available in the "Imaging Devices" window (110) in Fig. 4.

Moreover, although Camara describes, referring to Fig. 6, that "the persistently-visible menu 156 lists operating specific options tailored to the camera that are not included elsewhere in the user interface,"[3] Camara does not teach or suggest whether a software corresponding to one of the options in the menu (156) could be kept in an operating state or the software would be terminated when the imaging device "My Camera" and the computer are disconnected in a state that the "My Camera" and the computer are connected with each other and the software program corresponding to one of the options in the menu (156) is operating.

The Examiner also contends in the Examiner's Answer at page 13, lines 1-7, as follows:

> Moreover, Camara et al. also state, "The 'Imaging Devices' window 110 distinguishes between devices that are currently available and those that are not available (e.g., offline, physically removed, etc.)" (see column 4, lines 57-61). In other words, the software program distinguishes between situations when the imaging device is physically attached or physically removed from the computer. Since, the software distinguishes in the "Imaging

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[2] See Camara at column 6, lines 1-3.

[3] See Camara at column 6, lines 13-15.

Devices" window/GUI (110), the software must continue to operate even though the imaging device is physically removed from the computer. . . .

However, the above-noted software of Camara, which corresponds to the "Imaging Devices" window (110), is merely coupled to multiple imaging devices (112, 114, 116, 118) as shown in Fig. 4 and merely distinguishes which imaging device or devices are available among multiple imaging devices. Thus, Camara's software does not correspond to one of the plurality of operation modes of the image input device and is not programmed whether the software is kept in an operating state or an operation of the software is terminated, with respect to the operation mode of the image input device corresponding to that software, when that image input device and the computer are disconnected in a state that the image input device and the computer are connected with each other and the software corresponding to the operation mode of the image input device is operating, as recited in Applicants' claim 67.

Further, in this regard, Camara describes, for example, that, "[i]n Fig. 4, the second scanner identified as "Jake's Scanner" is not available and hence the icon 118 is dimmed."[4] However, Camara does not teach or suggest whether any software, which corresponds to an operation mode of "Jake's Scanner," can be kept in an operating state or an operation of that software is terminated when the "Jake's Scanner" is indicated as not available. Accordingly, the software recited in claim 67 is distinguishable from Camara's software that corresponds to "Image Devices" window (110) shown in Fig. 4.

With respect to the Examiner's contention at page 12, lines 1-5, in the Examiner's Answer that "setting in software whether the software is kept in an operating state or an operation of the software is terminated is an inherent feature to software," that "there are no

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[4] See Camara at column 4, lines 62-64.

other options than to keep software operating or terminating the software," and that "every single piece of software is designed to either keep operating or terminate," the Examiner appears to confuse the inherent feature of a software that has only two states either being kept operating or terminated after it is started operating with the features of the software recited in Applicants' claim 67.

In claim 67, the software is programmed to determine whether the software is kept operating or an operation of the software is terminated, when the image input device and the computer are disconnected in a state that the image input device and the computer are connected with each other and the software program corresponding to the operation mode of the image input device is operating. Without such features, one of ordinary skill in the art would assume that the software, which correspond to one of the operation modes of the image input device, would be inherently terminated when the image input device and the computer are disconnected.

Thus, the features recited in claim 67 that, "when said image input device and said computer are disconnected in a state that said image input device and said computer are connected with each other and the software program corresponding to the operation mode of said image input device is operating, it is set in every software whether the software is kept in an operating state or an operation of the software is terminated" are not inherent to a software and not disclosed, taught or suggested in Camara and in any other cited references.

At page 13, lines 9 and 10, in the Examiner's Answer, the Examiner sates that "[i]t appears that Appellant does not consider the 'image acquisition system' shown in Camara et al. to be software corresponding to the imaging device." As discussed in detail above and also in the Appeal Brief, the Applicants respectfully submit that it is clear that the above-discussed features recited in Applicants' claim 67 are patentably distinguishable over Camara's "image

- 6 -

acquisition system," and that Camera fails to disclose, teach or suggest at least the features that, "when said image input device and said computer are disconnected in a state that said image input device and said computer are connected with each other and the software program corresponding to the operation mode of said image input device is operating, it is set in every software whether the software is kept in an operating state or an operation of the software is terminated," as recited in claim 67.
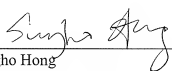
Further, as discussed in the May 5, 2008 Appeal Brief, none of the other cited references, besides Camara, discloses, teaches or suggests the above-discussed features of claim 67. Accordingly, the Applicants respectfully maintain the position presented in the Appeal Brief that the Examiner has failed to provide a proper rejection under 35 U.S.C. §103(a) of independent claims 67 and 75, and claims 68-72 that depend from claim 67.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 1232-4568.

Respectfully submitted,
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